

JAN 05 2007

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

**EARL DOUGLAS FIELDS,**  
**Petitioner,**

V.

**GENE M. JOHNSON,**  
**Respondent.**

**Civil Action No. 7:06-cv-00701**

## FINAL ORDER

**By: Hon. James C. Turk**  
**Senior United States District Judge**


In accordance with the written memorandum opinion entered this day, it is hereby

**ADJUDGED AND ORDERED**

that this petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254, shall be and hereby is **DISMISSED** as untimely, pursuant to Rule 4 of the Rules Governing § 2254 Proceedings, and 28 U.S.C. § 2244(d)(1); petitioner's motion for appointment of counsel is hereby **DENIED**; and that this action is stricken from the active docket of this court.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to the petitioner and to counsel of record for the respondent.

ENTER: This 5<sup>th</sup> day of January, 2007.

  
Senior United States District Judge